

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.28962 OF 2017

Dated:29.08.2017

Between:

M. Raju, S/o. M. Narayana Swamy,
Aged 43 years, Occ: Business,
R/o.H.No.49-50A-48, Maddur Nagar,
Kurnool Town and District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Velagapudi, Amaravati,
Guntur District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.28962 OF 2017****ORDER:**

In this Writ Petition, petitioner challenges notice dated 23.08.2017 issued under Section 5 (3) of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short, 'the Act') calling for objections from any person who is aggrieved by the request made for correction of the revenue records of the properties mentioned in the said notice. The Tahsildar has also fixed the date of hearing as 08.09.2017.

2. According to learned counsel for the petitioner, the vendor of the petitioner initially sold the property to the petitioner and the document presented for registration is pending with the District Registrar. Initially, on the demand made by the registering authority for payment of higher stamp duty, petitioner filed W.P.No.10019 of 2012 and this Court granted interim order for releasing the document without demanding higher stamp duty. While so, the vendor executed another sale deed of the same property to third party and the same was registered. Aggrieved thereby, petitioner filed W.P.No.21061 of 2017 and the same is pending consideration. Learned counsel further submitted that the petitioner has submitted representation dated 27.06.2017 bringing to the notice of the Tahsildar with regard to the litigation pending and requested not to entertain any application for mutation of revenue records. Alleging inaction on the said representation and entertaining the application for correction in the revenue records, this Writ Petition is filed.

3. Whenever an application is submitted by any person for mutation of his name in the revenue records and for issuance of pattadar passbook and title deeds, the Tahsildar is required to examine the claim and in the process of examining such claim, he is also required to call for objections from the person named in the revenue records or any other person interested. This process is intended only to find out as to whether the claim is validly made or there is any rival claim or dispute regarding the subject property.

4. It cannot be said that the Tahsildar is not competent to issue notice impugned in this Writ Petition. The Tahsildar called for objections and also fixed the date of hearing for consideration of objections as 08.09.2017. There is no provision for entertaining objections by the Tahsildar even before an application is made. Thus, the earlier representation dated 27.06.2017 of the petitioner cannot be treated as objections under the Act. The petitioner is entitled to raise all objections, including the objections raised in his earlier representation dated 27.06.2017. In view of the competency of the Tahsildar and as the enquiry is in accordance with the provisions of the Act, this Court is not inclined to entertain the Writ Petition and consider the issue on merits even before the same is examined and appropriate decision is taken by the Tahsildar.

5. The Writ Petition is accordingly disposed of leaving it open to the petitioner to raise all objections as available in law, including the objections now urged in this Writ Petition. It is needless to observe that the Tahsildar shall consider the objections raised by

the petitioner before taking an appropriate decision. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:29.08.2017

Note:- Issue C.C. today
(B/o)
KH

